

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
SPECIAL BUSINESS MEETING)
_____)

DATE AND TIME: WEDNESDAY, OCTOBER 9, 1996
1:30 P.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
CERTIFICATE NO. 7152

BRS FILE NO.: 35783B

APPEARANCES

MR. DANIEL G. PENNINGTON, MEMBER MR. ROBERT C. FRAZEE, VICE
CHAIRMAN MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER MS. KATHRYN
TOBIAS, LEGAL COUNSEL

MS. MARLENE KELLY, COMMITTEE SECRETARY

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1 SACRAMENTO, CALIFORNIA; WEDNESDAY, OCTOBER 9, 1996

2 1:30 P.M.

3

4 CHAIRMAN PENNINGTON: GOOD AFTERNOON.

5 WELCOME TO A SPECIAL MEETING OF THE CALIFORNIA

6 INTEGRATED WASTE MANAGEMENT BOARD. WE'RE HOLDING

7 THIS SPECIAL BOARD MEETING TO TAKE ACTION ON

8 PLANNING DOCUMENTS AND PERMITS TO MEET TIME LINES

9 IN ACCORDANCE WITH PUBLIC RESOURCES CODE SECTION

10 44002.

11 BOARD SECRETARY CALL THE ROLL,

12 PLEASE.

13 BOARD SECRETARY: BOARD MEMBER CHESBRO.

14 BOARD MEMBER CHESBRO: (NO RESPONSE)

15 BOARD SECRETARY: FRAZEE.

16 BOARD MEMBER FRAZEE: HERE.

17 BOARD SECRETARY: GOTCH.

18 BOARD MEMBER GOTCH: HERE.

19 BOARD SECRETARY: RELIS.

20 BOARD MEMBER RELIS: HERE.

21 BOARD SECRETARY: CHAIRMAN PENNINGTON.

22 CHAIRMAN PENNINGTON: HERE. I THINK YOU

23 CAN CALL MR. CHESBRO AGAIN.

24 BOARD MEMBER CHESBRO: HERE.

25 MR. CHAIRMAN, BEFORE WE START, I

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1 WANTED TO WISH MY CO-WORKER, MR. FREDENBURG, A
2 HAPPY BIRTHDAY. I HAVE A CARD FOR HIM.

3 CHAIRMAN PENNINGTON: HAPPY BIRTHDAY.

4 BOARD MEMBER CHESBRO: HOW MANY IS THAT
5 IN DOG YEARS?

6 CHAIRMAN PENNINGTON: ARE YOU GOING TO
7 SING?

8 BOARD MEMBER CHESBRO: OH, SURE.

9 MR. FREDENBURG: DANGEROUS PRECEDENT TO
10 START.

11 BOARD MEMBER CHESBRO: NEVER MIND.

12 CHAIRMAN PENNINGTON: OKAY. MOVING RIGHT
13 ALONG. OKAY. THERE IS A QUORUM PRESENT.

14 DOES ANY MEMBER HAVE AN EX PARTE?

15 OKAY. AS A REMINDER, ANYBODY WHO
16 WISHES TO ADDRESS ANY PARTICULAR ISSUE, THERE'S A
17 SIGNUP SHEET IN THE BACK. IF YOU WILL SIGN IT UP,
18 BRING IT TO MS. KELLY, SHE WILL ENSURE THAT WE
19 CALL UPON YOU.

20 COUPLE ANNOUNCEMENTS. ITEM 5 HAS
21 BEEN PULLED FROM TODAY'S AGENDA, AND I UNDERSTAND
22 THAT THERE'S ONE PERMIT REQUEST THAT HAS COME IN
23 UNDER ITEM 7. IF THERE ARE OTHERS THAT WE ARE NOT
24 AWARE OF BEFORE TODAY, WE WILL TAKE THEM UP AT THE
25 END OF THE MEETING.

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1 OKAY. ITEM NO. 1, CONSIDERATION OF
2 STAFF RECOMMENDATION ON THE ADEQUACY OF THE
3 AMENDMENTS TO THE NONDISPOSAL FACILITY ELEMENT FOR
4 THE CITY OF IRVINE IN ORANGE COUNTY. JUDY
5 FRIEDMAN.

6 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN
7 PENNINGTON AND BOARD MEMBERS. I WILL JUST BRIEFLY
8 INTRODUCE THIS ITEM AND THE SECOND ITEM WHICH
9 FOLLOWS THIS. JEFF MARTINEZ FROM THE OFFICE OF
10 LOCAL ASSISTANCE WILL MAKE THE PRESENTATION.

11 SUPPORTING DOCUMENTATION DID NOT
12 ARRIVE AT THE BOARD IN ORDER FOR US TO BE ABLE TO
13 HAVE THIS AT THE PLANNING COMMITTEE, SO WE ARE
14 TAKING THIS DIRECTLY TO THE BOARD WITHOUT PLANNING
15 COMMITTEE CONSIDERATION.

16 WITH THAT, I'LL TURN IT OVER TO
17 JEFF.

18 MR. MARTINEZ: GOOD AFTERNOON, BOARD
19 MEMBERS. MY NAME IS JEFF MARTINEZ WITH THE OFFICE
20 OF LOCAL ASSISTANCE, AND I'LL BE DISCUSSING AGENDA
21 ITEMS 1 AND 2 TODAY, CONSIDERATION OF STAFF
22 RECOMMENDATIONS ON THE ADEQUACY OF THE AMENDMENTS
23 TO THE NONDISPOSAL FACILITY ELEMENTS FOR THE CITY
24 OF IRVINE AND FOR THE UNINCORPORATED AREA OF
25 ORANGE COUNTY.

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1 STAFF HAS REVIEWED DOCUMENTATION AND
2 FIND THAT THE AMENDMENT MEETS THE CRITERIA SET
3 FORTH BY THE BOARD, AND WE ARE RECOMMENDING
4 APPROVAL FOR BOTH CITY OF IRVINE'S AMENDED
5 NONDISPOSAL FACILITY ELEMENT AND THE COUNTY OF
6 ORANGE NONDISPOSAL FACILITY ELEMENT.

7 JUST TO REPEAT WHAT MS. FRIEDMAN
8 JUST STATED, THE REASON WE DID NOT GO TO OUR
9 REGULAR COMMITTEE MEETING WITH THIS IS WE DIDN'T
10 GET SUPPORTING DOCUMENTATION IN TIME TO DO OUR
11 REVIEW, SO WE'RE GOING TO THE SPECIAL BOARD
12 MEETING. THAT CONCLUDES MY PRESENTATION.

13 CHAIRMAN PENNINGTON: THANK YOU. MR.
14 CHESBRO.

15 BOARD MEMBER CHESBRO: AS STAFF HAS
16 INDICATED, THIS ITEM AND ALSO THE NEXT ITEM WOULD
17 NORMALLY HAVE BEEN CONSIDERED IN THE LOCAL
18 ASSISTANCE AND PLANNING COMMITTEE PRIOR TO BEING
19 HEARD BY THE BOARD. HOWEVER, BECAUSE OF THE AB 59
20 DEADLINE AND STAFF'S FLEXIBILITY AND WILLINGNESS
21 TO REVIEW THE ELEMENT IN A VERY SHORT TIME PERIOD,
22 THESE ITEMS WERE PLACED DIRECTLY ON THE SPECIAL
23 BOARD MEETING AGENDA.

24 THESE DOCUMENTS ARE SIMPLE
25 AMENDMENTS TO THE JURISDICTION'S NDFE'S THAT

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1 IDENTIFY AND DESCRIBE THESE FACILITIES THAT WE'RE
2 HEARING TODAY.

3 I'M -- AS COMMITTEE CHAIR, WHERE
4 THESE WOULD HAVE BEEN HEARD, I'M MORE THAN WILLING
5 TO ACCOMMODATE THESE JURISDICTIONS AT THIS TIME;
6 HOWEVER, I WOULD LIKE TO SAY THAT THE LOCALITIES
7 HAVE KNOWN ABOUT THIS DEADLINE FOR SOME MONTHS.
8 IT'S DUE TO THE FLEXIBILITY OF OUR STAFF THAT
9 WE'RE ABLE TO CONSIDER THESE DOCUMENTS TODAY AND
10 NOT DISTURB THE DAILY OPERATIONS OF THESE COMPOST
11 FACILITIES. AND I THINK THE BOARD IS GOING A
12 LITTLE BIT OUT OF ITS WAY HERE AND MAKING SOME
13 EXTRA EFFORT EVEN THOUGH, AS I SAID, THE
DEADLINES
14 WERE KNOWN.

15 HOPEFULLY IN THE FUTURE THE
16 LOCALITIES WON'T BE WAITING UNTIL THE LAST
MINUTE
17 TO SUBMIT THE REQUIRED DOCUMENTATION. THAT
BEING

18 SAID, PENDING BOARD DISCUSSION, I'M WILLING --
19 READY TO MOVE THE STAFF RECOMMENDATION TO
APPROVE
20 THE CITY OF IRVINE'S AMENDED NONDISPOSAL
FACILITY

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21 ELEMENT.

22 MEMBER FRAZEE: SECOND.

23 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

AND

24 SECONDED. ANY DISCUSSION? QUESTIONS? IF NOT,

25 WILL THE SECRETARY CALL THE ROLL.

1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: AYE.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: AYE.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 BOARD SECRETARY: RELIS.

8 BOARD MEMBER RELIS: AYE.

9 BOARD SECRETARY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE. MOTION

11 CARRIES.

12 MOVE TO ITEM 2, CONSIDERATION OF
13 STAFF RECOMMENDATION ON THE ADEQUACY OF THE
14 AMENDMENTS TO THE NONDISPOSAL FACILITY ELEMENT
FOR

15 THE UNINCORPORATED AREA OF ORANGE COUNTY.

16 MR. MARTINEZ: ONCE AGAIN, UPON STAFF
17 REVIEW, WE FOUND THAT THE AMENDED NDFE MEETS THE
18 CRITERIA SET FORTH BY THE BOARD, AND STAFF
19 RECOMMENDS APPROVAL OF THE COUNTY OF ORANGE'S
20 AMENDED NONDISPOSAL FACILITY ELEMENT.

21 BOARD MEMBER CHESBRO: MR. CHAIRMAN,
I'LL

22 MOVE STAFF RECOMMENDATION AND APPROVE THE COUNTY
23 OF ORANGE'S AMENDED NONDISPOSAL FACILITY
ELEMENT.

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24 MEMBER GOTCH: SECOND.

25 CHAIRMAN PENNINGTON: IT'S BEEN MOVED
AND

1 SECONDED. SECRETARY CALL THE ROLL.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: AYE.

6 BOARD SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 BOARD SECRETARY: RELIS.

9 BOARD MEMBER RELIS: AYE.

10 BOARD SECRETARY: CHAIRMAN PENNINGTON.

11 CHAIRMAN PENNINGTON: AYE. MOTION

12 CARRIES.

13 ITEM 3. ITEM NO. 3, CONSIDERATION
14 OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID
15 WASTE FACILITY PERMIT FOR WASTE RESOURCES, INC. --
16 TECHNOLOGY INC., RECYCLING AND TRANSFER FACILITY,
17 CITY AND COUNTY OF SAN FRANCISCO.

18 MS. RICE: THANK YOU. RUSS KANZ WILL
19 MAKE THE PRESENTATION FOR STAFF.

20 MR. KANZ: GOOD AFTERNOON. WASTE
21 RESOURCES TECHNOLOGY IS SUBMITTING AN APPLICATION
22 FOR A NEW SOLID WASTE FACILITIES PERMIT FOR THEIR
23 MATERIAL RECOVERY FACILITY. THE FACILITY WILL
24 ACCEPT MATERIALS THAT ARE ENTIRELY RECYCLABLE
OR
25 CONTAIN A SIGNIFICANT PERCENTAGE OF

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RECYCLABLE

1 MATERIALS.

2 THE OPERATOR INTENDS TO RECOVER
3 WOOD, FERROUS, NONFERROUS METALS, PLASTICS,
4 CARDBOARD, GLASS, AND PAPER. WASTE RESOURCES
5 TECHNOLOGY WAS INCORPORATED IN 1980. AS THE
6 OPERATION EXPANDED, IT BECAME EVIDENT THAT IT WAS
7 A SOLID WASTE FACILITY. AND ON FEBRUARY 5TH,
8 1992, THE LEA ISSUED A NOTICE AND ORDER FOR
9 COMPLIANCE THAT DIRECTED THE OPERATOR TO OBTAIN A
10 PERMIT.

11 THE FACILITY IS CURRENTLY OPERATING
12 UNDER THE NOTICE AND ORDER FOR COMPLIANCE.
13 ISSUANCE OF THE PROPOSED PERMIT WILL CORRECT THE
14 VIOLATION FOR PUBLIC RESOURCES CODE SECTION 44002.

15 BOARD STAFF CONDUCTED AN INSPECTION
16 OF THIS FACILITY ON SEPTEMBER 4, 1996, TO
17 DETERMINE IF THE FACILITY IS OPERATING IN
18 COMPLIANCE WITH STATE MINIMUM STANDARDS FOR SOLID
19 WASTE HANDLING AND DISPOSAL. BOARD STAFF
20 DOCUMENTED A VIOLATION FOR DRAINAGE CONTROL. THE
21 STATE INSPECTION REPORT STATES THAT, "UPON
22 COMPLETION OF THE PROPOSED BUILDING, THE OPERATOR
23 WILL HAVE INSTALLED A SERIES OF SUMPS AND WILL
24 PUMP AND TREAT ALL WATER WHICH COMES INTO CONTACT
25 WITH WASTE OR IS USED TO CLEAN THE FACILITY."

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1 THE CITY AND COUNTY OF SAN FRANCISCO
2 HAS APPROVED THE BUILDING PERMIT TO CONSTRUCT THE
3 BUILDING TO ENCLOSE THE OPERATION.

4 THE LEA AND BOARD STAFF HAVE
5 DETERMINED THAT THE FACILITY IS FOUND IN THE CITY
6 AND COUNTY OF SAN FRANCISCO SOLID WASTE MANAGEMENT
7 PLAN, THE PROJECT IS CONSISTENT WITH THE CITY AND
8 COUNTY OF SAN FRANCISCO GENERAL PLAN, THE PROJECT
9 IS CONSISTENT WITH THE WASTE DIVERSION GOALS OF AB
10 939, AND CEQA HAS BEEN COMPLIED WITH.

11 IN CONCLUSION, STAFF RECOMMENDS THAT
12 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
13 DECISION NO. 96-416, CONCURRING IN THE ISSUANCE OF
14 SOLID WASTE FACILITY PERMIT NO. 38-AA-0004. FRANK
15 SVIDOVAK (PHONETIC) FROM DWRT IS HERE IF YOU HAVE
16 ANY QUESTIONS OR NEED HELP SINGING HAPPY BIRTHDAY.

17 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
18 STAFF? OR THE LEA? OR THE OPERATOR? OKAY. I'LL
19 ENTERTAIN A MOTION.

20 MR. KANZ: THE COMMITTEE PASSED THIS ON
21 WITH A THREE OH VOTE, RECOMMENDING CONCURRENCE.

22 MEMBER FRAZEE: SO I'LL MOVE THAT THE
23 BOARD ADOPT PERMIT DECISION 96-416.

24 MEMBER RELIS: SECOND.

25 CHAIRMAN PENNINGTON: OKAY. THERE BEING

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1 NO FURTHER DISCUSSION, WILL THE SECRETARY CALL THE
2 ROLL.

3 BOARD SECRETARY: BOARD MEMBER CHESBRO.

4 BOARD MEMBER CHESBRO: AYE.

5 BOARD SECRETARY: FRAZEE.

6 BOARD MEMBER FRAZEE: AYE.

7 BOARD SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 BOARD SECRETARY: RELIS.

10 BOARD MEMBER RELIS: AYE.

11 BOARD SECRETARY: CHAIRMAN PENNINGTON.

12 CHAIRMAN PENNINGTON: AYE. AND I WANT TO
13 SEE YOUR TIE, RUSS. YOU ARE TRYING TO COMPETE
14 WITH ME HERE. I DON'T KNOW WHAT'S GOING ON.

15 BOARD MEMBER CHESBRO: WELL, IF IT'S A
16 CONTEST, WE'LL JUST CALL IT A TIE.

17 CHAIRMAN PENNINGTON: YOU'VE GOT THE
18 ANSWERS TO ALL THE KNOTTY QUESTIONS.

19 CONSIDERATION OF CONCURRENCE IN THE
20 ISSUANCE OF A NEW SOLID WASTE FACILITY PERMIT FOR
21 TRUSA TRANSFER STATION IN MODOC COUNTY.

22 MS. RICE: ALTURAS. AND TADESE
23 GEBRE-HAWARIAT WILL MAKE THE PRESENTATION FOR
24 STAFF.

25 MR. GEBRE-HAWARIAT: GOOD AFTERNOON.

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1 THE -- THIS FACILITY IS OWNED AND OPERATED BY THE
2 COUNTY OF MODOC DEPARTMENT OF PUBLIC WORKS. THE
3 PERMIT IS TO ALLOW THE CONSTRUCTION AND OPERATION
4 OF A NEW LIGHT VOLUME TRANSFER STATION WITHIN THE
5 BOUNDARIES OF THE ALTURAS LANDFILL.

6 AT THE TIME THE ITEM WAS PREPARED
7 FOR BOTH THE COMMITTEE AND THE BOARD, INFORMATION
8 WASN'T QUITE -- ANALYSIS AND REVIEW OF INFORMATION
9 WASN'T QUITE DONE. SO TODAY WE HAVE COMPLETED THE
10 REVIEW, AND THE FACILITY IS IN COMPLIANCE WITH ALL
11 STATE STANDARDS, THE COUNTY SOLID WASTE MANAGEMENT
12 PLAN, AND THE COUNTY GENERAL PLAN.

13 I BELIEVE THE RESOLUTION WAS PASSED
14 OUT AS ATTACHMENT NO. 4 FOR THE PURPOSE OF THE
15 BOARD'S MEETING.

16 STAFF REVIEWED THE PROPOSED PERMIT
17 AND SUPPORTING DOCUMENTATION AND FOUND THEM TO BE
18 ACCEPTABLE FOR CONSIDERATION BY THE BOARD. AND IN
19 CONCLUSION, STAFF RECOMMEND THAT THE BOARD ADOPT
20 SOLID WASTE FACILITY PERMIT DECISION NO. 96-421,
21 CONCURRING IN THE ISSUANCE OF SOLID WASTE FACILITY
22 PERMIT NO. 25-AA-0027.

23 MR. ERNIE GUNTHER, THE LEA, IS
24 PRESENT TO ANSWER ANY QUESTIONS THAT THE BOARD
25 MEMBERS MAY HAVE. AND THIS CONCLUDES STAFF

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1 PRESENTATION.

2 CHAIRMAN PENNINGTON: OKAY. ANY
3 QUESTIONS OF STAFF? LEA? OPERATOR? THERE NOT
4 BEING ANY, NEED A MOTION.

5 MEMBER FRAZEE: MOVE ADOPTION OF
6 RESOLUTION 96-421.

7 MEMBER RELIS: SECOND.

8 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
9 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL
10 THE SECRETARY CALL THE ROLL, PLEASE.

11 BOARD SECRETARY: BOARD MEMBER CHESBRO.

12 BOARD MEMBER CHESBRO: AYE.

13 BOARD SECRETARY: FRAZEE.

14 BOARD MEMBER FRAZEE: AYE.

15 BOARD SECRETARY: GOTCH.

16 BOARD MEMBER GOTCH: AYE.

17 BOARD SECRETARY: RELIS.

18 BOARD MEMBER RELIS: AYE.

19 BOARD SECRETARY: CHAIRMAN
PENNINGTON.

20 CHAIRMAN PENNINGTON: AYE.

21 NO. 5, WHICH WAS PULLED. SO WE
MOVE

22 TO NO. 6, CONSIDERATION OF CONCURRENCE IN THE
23 ISSUANCE OF A NEW STANDARDIZED COMPOST PERMIT
FOR

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24 THE MURAI FARMS COMPOST FACILITY IN ORANGE
COUNTY.
25 MS. RICE: JON WHITEHILL WILL MAKE
THIS

1 PRESENTATION.

2 MR. WHITEHILL: GOOD AFTERNOON, MR.

3 CHAIRMAN AND MEMBERS OF THE BOARD. THE MURAI

4 FARMS COMPOST FACILITY IS LOCATED NEAR HIGHWAY 5

5 AND LAGUNA CANYON ROAD IN THE CITY OF IRVINE IN

6 ORANGE COUNTY. FEEDSTOCK RECEIVED IS GREEN WASTE

7 CONSISTING PRIMARILY OF MANURE, ANIMAL STABLE

8 BEDDING STRAW, AGRICULTURAL RESIDUE MATERIALS, AND

9 MUNICIPAL LANDSCAPE CLIPPINGS, TRIMMINGS, AND

10 LEAVES.

11 THE LEA ONLY BECAME AWARE OF THIS

12 SITE EARLIER THIS YEAR, AND SO THE MURAI PERMIT

13 PACKAGE WAS SUBMITTED WITHOUT AN INTEGRATED WASTE

14 MANAGEMENT PLAN OR CEQA COMPLIANCE SO THAT THE LEA

15 COULD SCHEDULE BOARD CONSIDERATION PRIOR TO THE

16 OCTOBER 16TH CEASE AND DESIST DEADLINE.

17 THE LEA AND BOARD STAFF HAVE MADE

18 THE FOLLOWING DETERMINATIONS: FIRST, THANKS TO

19 THE LOCAL RECORDS REVIEW BY OUR OFFICE OF LOCAL

20 ASSISTANCE, THE FACILITY AS OF NOW IS IDENTIFIED

21 IN THE APPROVED INTEGRATED WASTE MANAGEMENT PLAN.

22 SECOND, THAT CITY OF -- EXCUSE ME --

23 BECAUSE THE CITY OF IRVINE DOES NOT REQUIRE ANY

24 ADDITIONAL CEQA REVIEW FOR SITES THAT ARE IN

25 COMPLIANCE WITH THEIR ZONING ORDINANCE, THE LEA IS

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1 THE LEAD AGENCY FOR THIS PERMIT ACTION, AND THE
2 LEA HAS SINCE DETERMINED THAT THE CONTINUED
3 OPERATION OF THE COMPOST FACILITY IS CATEGORICALLY
4 EXEMPT FROM THE PROVISIONS OF CEQA. BOARD STAFF
5 HAVE DETERMINED THAT THIS FINDING IS ADEQUATE FOR
6 THE BOARD'S CONSIDERATION IN THIS PERMIT ACTION.

7 AND THIRD, THE PROPOSED PERMIT IS
8 CONSISTENT WITH THE STANDARDS ADOPTED BY THE
9 BOARD.

10 IN CONCLUSION, STAFF HAS REVIEWED
11 THE PROPOSED PERMIT AND SUPPORTING DOCUMENTATION
12 AND FOUND THEM TO BE ACCEPTABLE. STAFF RECOMMEND
13 THAT BOARD ADOPT RESOLUTION NO. 96-388, CONCURRING
14 IN THE ISSUANCE OF SOLID WASTE FACILITIES PERMIT
15 NO. 30-AB-0371. AND THE OPERATOR AND THE LEA ARE
16 HERE IF YOU HAVE ANY ADDITIONAL QUESTIONS THIS
17 AFTERNOON.

18 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
19 THE STAFF? THE LEA? THE OPERATOR?

20 MEMBER RELIS: I'LL MOVE RESOLUTION
21 96-388.

22 MEMBER GOTCH: SECOND.

23 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
24 MOVED AND SECONDED. NO FURTHER DISCUSSION, WILL
25 THE SECRETARY CALL THE ROLL, PLEASE.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: AYE.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: AYE.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 BOARD SECRETARY: RELIS.

8 BOARD MEMBER RELIS: AYE.

9 BOARD SECRETARY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE.

11 ITEM NO. 7, CONSIDERATION OF
12 CONCURRENCE IN THE ISSUANCE OF ADDITIONAL SOLID
13 WASTE FACILITIES PERMITS WHICH MAY HAVE BEEN
14 SUBJECT TO PUBLIC RESOURCES CODE 44002.

15 WE HAVE ONE, CONSIDERATION OF THE
16 CONCURRENCE IN THE ISSUANCE OF A NEW STANDARDIZED
17 SOLID WASTE FACILITY PERMIT FOR THE FOSTER FARMS
18 MANURE STORAGE FACILITY IN MERCED COUNTY.

19 MS. RICE: THANK YOU. AMALIA FERNANDEZ
20 WILL MAKE THE PRESENTATION FOR STAFF.

21 MS. FERNANDEZ: GOOD AFTERNOON. THE
22 MERCED COUNTY LEA HAS PROPOSED A NEW STANDARDIZED
23 PERMIT FOR THE FOSTER FARMS MANURE STORAGE
24 FACILITY TO COMPOST POULTRY MANURE. THE DESIGN
25 CAPACITY OF THE FACILITY IS 120,000 CUBIC YARDS
OF

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1 ACTIVE COMPOST. THE FINISHED PRODUCT IS SOLD TO
2 NURSERIES, FARMERS, LANDSCAPE CONTRACTORS,
3 LANDSCAPE BUSINESSES, AND SOIL REMEDIATION
4 CONTRACTORS.

5 THIS FACILITY HAS BEEN IN OPERATION
6 FOR APPROXIMATELY SIX YEARS. AT THE TIME THE ITEM
7 WAS PREPARED, THERE WERE THREE ELEMENTS PENDING.
8 ONE, DETERMINATION OF ADEQUACY OF THE REPORT OF
9 COMPOSTING SITE INFORMATION, OTHERWISE KNOWN AS
10 THE RCSI. SINCE THEN, STAFF HAS DETERMINED
11 ADEQUACY OF THE RCSI.

12 TWO, DETERMINATION OF COMPLIANCE
13 WITH CEQA. BOARD STAFF HAVE DETERMINED THAT CEQA
14 HAS BEEN COMPLIED WITH.

15 THIRD IS COMPLIANCE WITH STATE
16 MINIMUM STANDARDS. ON OCTOBER 8TH,
YESTERDAY,

17 BOARD STAFF CONDUCTED A PREPERMIT INSPECTION.
THE

18 INSPECTION REVEALED A VIOLATION OF TITLE 14
19 CALIFORNIA CODE OF REGULATIONS, SECTION
17869(F),

20 WHICH IS A RECORDKEEPING REQUIREMENT.

21 IN THIS CASE THE VIOLATION WAS
22 REVEALED SINCE IT WAS DETERMINED THAT THE
OPERATOR

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23 WAS KEEPING INCOMPLETE RECORDS. IT SHOULD BE
24 MENTIONED THAT TEMPERATURE MONITORING AND
WINTER
25 TURNING HAS BEEN OCCURRING AND SOME RECORDS
HAVE

1 BEEN KEPT.

2 IN ACCORDANCE WITH AB 59, AS OF
3 OCTOBER 16TH, FACILITIES OPERATING WITHOUT A
4 PERMIT MUST BE ISSUED A CEASE AND DESIST ORDER TO
5 STOP OPERATIONS UNTIL A PERMIT IS OBTAINED. THE
6 FACILITY HAS NEVER BEEN INSPECTED PRIOR TO
7 YESTERDAY. BECAUSE OF THIS, BOARD STAFF BELIEVE
8 THAT THE OPERATOR IS NOW AWARE OF THE
9 REQUIREMENTS. FURTHERMORE, BY PERMITTING THIS
10 FACILITY, THE LEA WILL BE CONDUCTING MONTHLY
11 INSPECTIONS WHICH WILL INCLUDE INSURING
COMPLIANCE

12 WITH RECORDKEEPING REQUIREMENTS.

13 MR. ROBERT WIECHERT, REPRESENTING
14 THE LEA, IS PRESENT SHOULD YOU HAVE ANY
QUESTIONS

15 REGARDING THE OPERATIONS OF THIS FACILITY.

16 CHAIRMAN PENNINGTON: QUESTIONS OF
STAFF?

17 MEMBER RELIS: MR. CHAIR, I'D LIKE TO
18 DIRECT THIS QUESTION TO THE LEA AND TO STAFF.

I

19 GUESS THE CONCERN OR THE VIOLATION WAS NOT
KEEPING

20 TEMPERATURE INFORMATION ON THE COMPOST WIND
ROWS?

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21 MS. FERNANDEZ: THERE WERE SOME
RECORDS,

22 IT IS MY UNDERSTANDING.

23 MEMBER RELIS: WHAT WAS THE EXTENT OF
THE

24 RECORD?

25 MS. FERNANDEZ: PERHAPS --

1 MR. WIECHERT: THERE WAS A SUBSTANTIAL
2 AMOUNT OF INFORMATION PRESENT IN THE RECORDS;
3 HOWEVER, THE PERSON WHO HAD BEEN KEEPING THE
4 RECORDS HAD BEEN LET GO FROM FOSTER FARMS. THE
5 NEW GENTLEMAN WHO TOOK OVER DID NOT UNDERSTAND
HIS
6 METHOD. AND WHEN I LOOKED AT IT, ALONG WITH
7 STAFF, WE COULD NOT DETERMINE THE COMPLETENESS OF
8 THE REPORTS.

9 SINCE THAT TIME, I HAVE TALKED TO
10 THE OPERATOR, GOTTEN A HOLD OF THE NEW FORMAT FOR
11 THE NEW FORMS THAT THEY WILL USE, TALKED TO THEM
12 ABOUT THE RECORDKEEPING PROCEDURES, AND I THINK
HE
13 WILL BE KEEPING RECORDS CORRECTLY FROM NOW ON.

14 MEMBER RELIS: I JUST SAY THAT BECAUSE
15 THAT'S ONE OF THE MOST IMPORTANT PARAMETERS OF A
16 COMPOSTING OPERATION. AND I WOULD BE DISTRESSED
17 IF WE HAD A LARGE PROGRAM LIKE THIS AND THERE
18 WASN'T A SOLID HISTORY OR COMMITMENT ON YOUR PART
19 AND THE OPERATOR'S PART TO MAINTAIN A COMPLETE
20 RECORD.

21 MR. WIECHERT: CORRECT.

22 MS. RICE: AS YOU KNOW, THIS FACILITY
HAS
23 BEEN OPERATING FOR SOME TIME. AND AS THE LEA HAS

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24 INDICATED, THERE ARE RECORDS. IT WAS JUST A
25 MATTER IT COULDN'T BE DETERMINED IF THE FORMAT
AND

1 CONTENT WERE EXACTLY CONSISTENT WITH WHAT OUR
2 REGULATORY REQUIREMENTS REQUIRE.

3 OUR STAFF RECOMMENDATION, BASED ON
4 DISCUSSION WITH THE LEA TODAY AT THIS MEETING AND
5 OUR UNDERSTANDING OF THE RESULTS OF THE
6 INSPECTION, WOULD BE THAT ISSUANCE OF THE PERMIT
7 WOULD ENABLE COMPLIANCE WITH STATE MINIMUM
8 STANDARDS. AND, THEREFORE, WE WOULD RECOMMEND
9 CONCURRENCE IN THE PERMIT.

10 CHAIRMAN PENNINGTON: FURTHER QUESTIONS?
11 ANY OTHER QUESTIONS OF THE LEA? OKAY.

12 MEMBER RELIS: WITH THAT CLARIFICATION,
13 I'D BE GLAD TO MOVE THE CONCURRENCE ON
14 RESOLUTION --

15 MS. RICE: YOU HAVE A RESOLUTION NUMBER?

16 MS. FERNANDEZ: YES. THE RESOLUTION
17 NUMBER IS 96-452.

18 MEMBER RELIS: 96-452.

19 MS. FERNANDEZ: CORRECT.

20 MEMBER FRAZEE: SECOND.

21 CHAIRMAN PENNINGTON: MR. FRAZEE
22 SECONDED.

23 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
24 MOVED AND SECONDED. IF THERE'S NO FURTHER
25 QUESTIONS, SECRETARY WILL CALL THE ROLL.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.
2 BOARD MEMBER CHESBRO: AYE.
3 BOARD SECRETARY: FRAZEE.
4 BOARD MEMBER FRAZEE: AYE.
5 BOARD SECRETARY: GOTCH.
6 BOARD MEMBER GOTCH: AYE.
7 BOARD SECRETARY: RELIS.
8 BOARD MEMBER RELIS: AYE.
9 BOARD SECRETARY: CHAIRMAN PENNINGTON.
10 CHAIRMAN PENNINGTON: AYE.
11 OKAY. ARE THERE ANY OTHER REQUESTS
12 FOR THE BOARD TO TAKE ACTION ON THE ISSUANCE OF
13 SOLID WASTE FACILITY PERMITS WHICH MAY BE SUBJECT
TO PUBLIC RESOURCES CODE 44002? IF NOT, ARE THERE
ANY OTHER MATTERS TO COME BEFORE THE BOARD? IF
NOT, WE'RE ADJOURNED.

(END OF PROCEEDINGS AT 2 P.M.)

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